

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

NATIONWIDE MUTUAL INSURANCE  
COMPANY as Subrogee of DONNA  
BAUMAN,

Plaintiff,

v.

GREE USA, INC., MJC AMERICA, LTD.,  
GREE ELECTRIC APPLIANCES, INC. OF  
ZHUHAI, and HONG KONG GREE  
ELECTRIC APPLIANCE SALES, LTD.,

Defendants.

Civil Action No. 18-1105

District Judge Nora Barry Fischer  
Magistrate Judge Maureen P. Kelly

**MEMORANDUM ORDER**

Plaintiff Nationwide Mutual Insurance Company filed this action on August 21, 2018, to recover personal and property damages sustained by its subrogee, Donna Bauman, (Docket No. 1), and the case was assigned to United States Magistrate Judge Maureen P. Kelly for review in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

On October 10, 2018, Defendants Gree Electric Appliances, Inc. of Zhuhai (“Gree China”) and Hong Kong Gree Electric Appliance Sales, Ltd. (“Gree Hong Kong”) filed a Motion to Dismiss Plaintiff’s Complaint Due to Insufficient Service of Process Pursuant to Rule 12(b)(5) or, in the Alternative, Motion to Quash. (Docket No. 10). Gree China and Gree Hong Kong contend that Plaintiff’s service of the complaint on each of them in California through Gree USA, Inc. is insufficient because Plaintiff failed to comply with the requirements of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents, or with applicable law governing alternative service in the jurisdictions of Pennsylvania and California. (Docket No. 11).

On March 1, 2019, Magistrate Judge Kelly issued a Report and Recommendation wherein she recommended that Defendants' Motion to Dismiss be denied because service of process on Gree China and Gree Hong Kong occurred in the United States and comported with Rule 4(e) of the Federal Rules of Civil Procedure and applicable California law. (Docket No. 34). The parties were informed that they had until March 15, 2019 to file objections to the Report and Recommendation, but, as of today, no objections have been filed. Therefore, after *de novo* review of the pleadings in the case and consideration of the Magistrate Judge's Report and Recommendation, the following Order is entered:

AND NOW, this 18th day of March, 2019, IT IS HEREBY ORDERED that the Report and Recommendation filed on March 1, 2019 (Docket No. 34), by Magistrate Judge Kelly, is adopted as the opinion of the Court, and Defendants' Motion to Dismiss Plaintiff's Complaint Due to Insufficient Service of Process Pursuant to Rule 12(b)(5) or, in the Alternative, Motion to Quash. (Docket No. 10) is denied.

/s/ Nora Barry Fischer  
Nora Barry Fischer  
United States District Judge

cc: The Honorable Maureen P. Kelly  
United States Magistrate Judge

All counsel of record